

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Communications Assistance for Law	)	ET Docket No. 04-295
Enforcement Act and Broadband Access	)	
And Services	)	RM-10865

**COMMENTS OF  
US LEC ACQUISITION CO.**

US LEC Acquisition Co. (“US LEC”) respectfully submits its comments in support of the United States Telecom Association’s Petition for Reconsideration<sup>1</sup> of the First Report and Order<sup>2</sup> in the above-captioned proceeding.

US LEC provides interconnected VoIP services on a both a retail and wholesale basis. Consequently, US LEC is affected by the FCC’s decision requiring interconnected VoIP service providers to comply with the requirements of the Communications Assistance for Law Enforcement Act (“CALEA”). The FCC imposed an 18-month deadline from the effective date of the First Report and Order to come into compliance with the requirements of CALEA. However, the FCC deferred guidance on what of the capabilities

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<sup>1</sup> United States Telecom Association Petition for Reconsideration and for Clarification of the CALEA Applicability order, ET docket No. 04-295 (filed Nov. 14, 2005) (“USTA Petition”); FCC Public Notice DA05-3153 (Dec. 7, 2005).

<sup>2</sup> First Report and Order and Further Notice of Proposed Rulemaking, FCC 05-153 (released Sep. 23, 2005) (“First Report and Order”).

that are required by section 103 of CLEA “mean in a broadband environment.”<sup>3</sup> To date, the FCC has not issued the further guidance.

Broadband and IP-enabled communications have functional differences from the traditional telecommunications, the guidelines and capability requirements may not be applicable, or unavailable, to the interconnected VoIP provider. Thus, the issuance of specific guidelines that apply to broadband communications and direction as to which entity is required to provide the information is essential for timely implementation of any deadline imposed on the interconnected VoIP providers to substantially comply with CALEA.

US LEC, therefore, urges the FCC to grant the USTA Petition for Reconsideration and refrain from imposing a compliance deadline of 18 months from November 14, 2005. A more reasonable deadline is an 18-month period from the effective date of the order in which delineates the scope of the capability requirements of CALEA that are applicable to interconnected VoIP providers.

Respectfully submitted,

US LEC ACQUISITION CO.

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<sup>3</sup> *Id.* ¶ 46.

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